

ORDINANCE NO. 2008-11

AN ORDINANCE, of the City of Wenatchee, Washington, amending Ordinance No. 2001-02, Section II, pertaining to WCC 2.11.040 and 2.11.060, by requiring the person responsible for abating the violation to notify the City within 24 hours of completing the work to schedule a compliance inspection, and providing for administrative review of compliance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN as follows:

SECTION I

That Ordinance No. 2001-02, Section II, as it pertains to WCC 2.11.040

“Voluntary Correction”, shall be and hereby is amended to read as follows:

“2.11.040: VOLUNTARY CORRECTION

(1) **Applicability:** This section shall apply whenever the applicable department director determines that a violation of an ordinance has occurred or is occurring.

(2) **General:** The applicable department director shall pursue a reasonable attempt to secure voluntary correction of a violation by contacting the person responsible for the violation where possible, explaining the violation and requesting correction.

(3) **Issuance of Voluntary Correction Agreement:** A Voluntary Correction Agreement may be entered into between the person responsible for the violation and the City, acting through the applicable department director.

(a) **Content:** A Voluntary Correction Agreement is a contract between the City and the person responsible for the violation under which such person agrees to abate the violation within a specified period of time and according to specified conditions. A Voluntary Correction Agreement shall include the following:

- (i) The name and address of the person responsible for the violation; and
- (ii) The street address or a description sufficient for identification of the building, structure, premises, or land upon which or within which the violation has occurred or is occurring; and

- (iii) A description of the violation and a reference to the provision(s) of the City of Wenatchee ordinance or Municipal Code Section which has been violated; and
 - (iv) The necessary corrective action to be taken, and a date and time by which the corrective action must be completed; and
 - (v) That the person responsible for abating the violation shall notify the City Code Enforcement Officer within 24 hours of completing the work to schedule a compliance inspection; and
 - (vi) An agreement by a person responsible for the violation that the City of Wenatchee may abate the violation and recover its costs and expenses and a monetary penalty, as determined by the Code Enforcement Board in accordance with Section 2.11.055, from a person responsible for the violation if all terms of a Voluntary Correction Agreement are not met.
 - (vii) An agreement that by entering into a Voluntary Correction Agreement a person responsible for the violation waives the right to appeal to the Code Enforcement Board the violation and/or the required corrective action.
- (b) **Administrative Review of Compliance:** The person responsible for abating the violations shall notify the City Code Enforcement Officer within 24 hours of completing the abatement work to schedule a compliance inspection. After the person responsible for abating the violation has given notice to the City Code Enforcement Officer of completion of the abatement required under the Voluntary Correction Agreement, the Code Enforcement Officer shall, within 3 working days, determine if the abatement is complete. If the Code Enforcement Officer determines that the abatement is not complete, the person responsible for abating the violation shall have 5 days within which to file an appeal with the Director of the Department of Community and Economic Development of the City for review of such determination, which review shall be completed within 30 days of the date of receipt of the notice of appeal. The only issue subject to review shall be whether there has been complete compliance with the terms of the voluntary correction agreement.
- (c) **Right to a Hearing Waived:** A person responsible for a violation waives the right to appeal to the Code Enforcement Board the violation and the required corrective action upon entering into a Voluntary Correction Agreement.
- (d) **Extension-Modification:** An extension of the time limit for correction or modification of the required corrective action may be granted by the applicable department director if a person responsible for a violation

requests an extension of time or modification of the required corrective action in writing within ten (10) days but no less than three (3) days prior to the date set in a Voluntary Correction Agreement for completion of the corrective action and substantial progress in correcting the violation has occurred, but unforeseen circumstances render correction under the original conditions unattainable.

- (e) Abatement by the City: The City may abate a violation in accordance with Section 2.11.070 if the terms of a Voluntary Correction Agreement are not met.
- (f) Collection of Costs: If the terms of a Voluntary Correction Agreement are not met a person responsible for the violation shall be assessed a monetary penalty commencing the day following the date set for correction and thereafter, in accordance with Section 2.11.055, plus all costs and expenses of abatement, in accordance with Section 2.11.070(4)."

SECTION II.

That Ordinance No. 2001-02, Section II, as it pertains to WCC 2.11.060 "Hearing Before the Code Enforcement Board", shall be and hereby is amended by the addition of a subsection 8, to read as follows:

"2.11.060 Hearing Before the Code Enforcement Board.

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(8) Administrative Review of Compliance. The person responsible for abating the violations shall notify the City Code Enforcement Officer within 24 hours of completing the abatement work to schedule a compliance inspection. After the person responsible for abating the violation has given notice to the City Code Enforcement Officer of completion of the abatement required under the Notice of Decision issued by the Code Enforcement Board, the Code Enforcement Officer shall, within three working days, determine if the abatement is complete. If the Code Enforcement Officer determines that the abatement is not complete, the person responsible for abating the violation shall have five days within which to file an appeal with the Director of the Department of Community and Economic Development of the City for review of such determination, which review shall be completed within 30 days of the date of receipt of the Notice of Appeal. The only issue subject to review shall be whether there has been complete compliance with the terms of the Code Enforcement Board's Notice of Decision."

SECTION III

Except as expressly set forth herein, Ordinance No. 2001-02 shall remain in full force and effect.

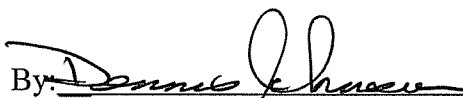
SECTION IV.

This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY WENATCHEE,

at a regular meeting thereof, this 10 day of April, 2008.

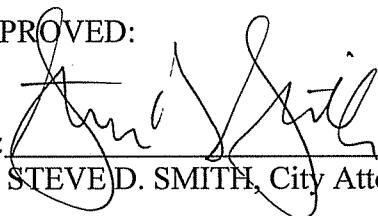
CITY OF WENATCHEE

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
VICKI REISTER, City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney